

Message

From: Horsburgh, Bryan [bhorsburgh@usbr.gov]
Sent: 10/6/2018 11:21:52 AM
To: Wu, Jennifer [Wu.Jennifer@epa.gov]
CC: DeWinkler, Jeffery M [jdewinkler@usbr.gov]
Subject: Re: [EXTERNAL] 316b

Jenny,

Are you available at 9:00 PST on the 17th to do a call with Jeff and I regarding the specifics of the draft permit?

Bryan

On Fri, Oct 5, 2018 at 2:00 PM Wu, Jennifer <Wu.Jennifer@epa.gov> wrote:

Hi Bryan, thanks for the email. I talked with Jeff this morning, and if you and he are interested, please let me know dates that you're available to talk over the specifics to the pre-draft permit. I'd like to let you know about preliminary effluent limitations and monitoring requirements as well as the plans. I know Jeff may be out next week. At this point, I don't expect to be going out for public comment until November.

Re: 316(b) in pre-public draft versions to the Colville Tribes and Ecology, I understand your concern about including the language as we're waiting to hear from EPA HQ. I think if this had been the first dam permit with 316(b) language included, we might be able to put a placeholder. But given that 316(b) language was included in the draft Idaho GP hydroelectric generating permit and the pre-draft Corps dam permits, and so far, EPA HQ at our levels continues to believe 316(b) applies to dams, we thought it better to include the 316(b) language in the pre-draft permit, even if it means taking it out later. I agree that if we have to take out 316(b) language, it will certainly make things confusing and require us to do work to explain. However, we also didn't want to not include 316(b) language than resend the document with 316(b) language.

I still haven't heard anything from EPA HQ yet about 316(b) and applicability to dams, but will certainly let both of you know as soon as I hear word and continue to update you on where things are in the process. I hope you both have a good long weekend. - Jenny

From: Horsburgh, Bryan [mailto:bhorsburgh@usbr.gov]
Sent: Thursday, October 04, 2018 6:30 AM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>
Cc: DeWinkler, Jeffery M <jdewinkler@usbr.gov>
Subject: Re: [EXTERNAL] 316b

Good morning Jenny,

Thank you for the information. Better understanding the direction EPA is going with the draft permit in very helpful.

Recognizing that you have direction to move ahead with pre-draft permits for the Colville and Ecology, I would like to once again voice our concern with that direction. Releasing even a pre-public draft to the Colville and Ecology may create an expectation that 316(b) provisions will exist in the final permit, yet EPA has not reached that conclusion. When we last spoke I suggested only sending the portion(s) they need to certify. Perhaps that's an idea EPA could re-visit.

Sincerely,

Bryan

Bryan Horsburgh

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On Tue, Oct 2, 2018 at 3:03 PM Wu, Jennifer <Wu.Jennifer@epa.gov> wrote:

Hi Bryan and Jeff,

A quick update on a few things for 316(b). EPA HQ is still discussing whether 316(b) applies to dams, and it is being briefed within the Office of General Counsel. There are some people who are not in the office, so it's unclear when there will be a definitive answer – it will likely be mid-late October. In the meanwhile, Dan Opalski, the R10 Office Director, has talked with EPA HQ. They have asked us to put a hold on issuing final permits with 316(b) until the question is answered; however, I'm still directed to move forward with 316(b) in

pre-draft and public comment permits until we hear otherwise and will remove them if we hear from EPA HQ that 316(b) does not apply to dams.

So I'm moving ahead to send pre-draft permits to Colville Tribes and Ecology by the end of the week for their draft 401 certification. I'd like to let you both know what is being proposed in the permit as well as the general approach for 316(b). I understand we don't share specific language with permittees on early drafts, but I can certainly let you know what we plan to include the permit generally. Re: 316(b), we have to pick a technology in 125.94(c). I've chosen a system of technologies BTA at 125.94(c)(6), which is what we briefly discussed on our call a few weeks ago. This is what we're choosing for the Lower Columbia and Lower Snake dams where there are technologies in place such that fish would likely avoid the intake in the first place. Based on our preliminary conversations, given the location and angle of the hydroelectric water intake, and the lack of fish presence, this may also be the case at the Grand Coulee. The permit further requires studies and annual reports for 316(b). Again, I'm happy to discuss further. Please let me know if you'd like to discuss tomorrow or Friday morning. We can also talk next week if both of you aren't free this week.

Also, Jeff, I will be giving you a call later today or tomorrow to get information on some of the outfalls that we discussed on the tour that may be missing from the application. Thanks. - Jenny

From: Horsburgh, Bryan [mailto:bhorsburgh@usbr.gov]
Sent: Tuesday, October 02, 2018 6:21 AM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>
Cc: DeWinkler, Jeffery M <jdewinkler@usbr.gov>
Subject: Re: [EXTERNAL] 316b

Good morning, Jenny.

Thank you for the update. Yes, please share the Coulee specific 316(b) language when you are able. Recognizing that it's a moving target we'd still like to take a look as soon as possible.

Sincerely,

Bryan

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On Mon, Oct 1, 2018 at 11:14 AM Wu, Jennifer <Wu.Jennifer@epa.gov> wrote:

Hi Bryan and Jeff,

I just wanted to let you know that I haven't heard anything from our EPA HQ yet re: 316(b) applicability, but will let you know where things are. While we're working out questions on general 316(b) applicability, I thought on a parallel track, we could also talk about 316(b) language in the permit. I've drafted up some 316(b) language on the Grand Coulee which I'm having EPA HQ review to see if they agree. If it looks good to them, I wanted to share with you what we're thinking to get your thoughts on the approach.

So at this point, I'm waiting to hear from people. I just wanted to keep you in the loop on where we're at. If you have any questions, feel free to give me a call. I hope to hear something by mid-week if not earlier.

Jenny Wu

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